

KEVIN V. RYAN, United States Attorney (SBN 118321)
JAMES CODA, Assistant U.S. Attorney (SBN 1012669 (WI))
U.S. Department of Justice
United States Attorney, Northern District of California
450 Golden Gate Ave., Box 36055
San Francisco, CA 94102

SUE ELLEN WOOLDRIDGE, Assistant Attorney General
JEAN E. WILLIAMS, Section Chief
LISA L. RUSSELL, Assistant Section Chief
KEVIN W. McARDLE, Trial Attorney (D.C. Bar No. 454569)
U.S. Department of Justice
Environment & Natural Resources Division
Wildlife & Marine Resources Section
Ben Franklin Station, P.O. Box 7369
Washington, D.C. 20044-7369
Tel: 202-305-0219
Fax: 202-305-0275

Attorneys for Federal Defendants

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

CENTER FOR BIOLOGICAL DIVERSITY,
et al.,

Plaintiffs,

v.

BUREAU OF LAND MANAGEMENT, *et al.*,

Defendants,

Case No: CV 03-2509-SI

**STIPULATION AND
[PROPOSED] ORDER**

STIPULATION AND [PROPOSED] ORDER
Case No. CV 03-2509-SI

1 WHEREAS on March 14, 2006, the Court issued an Opinion and Order (“Order”)
2 resolving the parties’ cross-motions for summary judgment and directing the parties to file
3 simultaneous briefs on the appropriate form of relief within 14 days and response briefs within
4 21 days;

5 WHEREAS pursuant to the Court’s Order, the parties’ initial briefs were originally due
6 on March 28, 2006;

7 WHEREAS by Order dated March 23, 2006, the Court approved the parties’ stipulation
8 to extend the due date for their initial briefs by 30 days, to and including April 27, 2006, with a
9 corresponding extension of the due date for their response briefs to and including May 4, 2006;

10 WHEREAS by Order dated April 21, 2006, the Court approved the parties’ second
11 stipulation to extend the due date for their initial briefs by an additional 45 days, to and including
12 June 12, 2006, with a corresponding extension of the due date for their response briefs to and
13 including June 26, 2006;

14 WHEREAS the parties are continuing to negotiate in good faith regarding the appropriate
15 relief in light of the Court’s Order, and on June 8, 2006, Federal Defendants provided the other
16 parties with a draft stipulation to form the basis for continued settlement discussions;

17 WHEREAS the parties have conferred and believe that the current due date for their
18 initial briefs should be extended by an additional 30 days, to and including July 10, 2006, with a
19 corresponding extension of the due date for their response briefs to and including July 24, 2006,
20 in light of their continuing efforts to reach agreement on the appropriate form of relief, which
21 would obviate the need for further briefing and conserve judicial resources; and

22 WHEREAS as demonstrated above, good cause exists for the proposed extension;

23 THEREFORE, PURSUANT TO LOCAL RULE 6-2, THE PARTIES HEREBY
24 STIPULATE THAT:

25 The parties shall file simultaneous briefs regarding the appropriate form of relief
26 on or before July 10, 2006, and the parties’ response briefs shall be filed on or
27 before July 24, 2006.

Respectfully submitted this 9th day of June, 2006

/s/ Lisa T. Belenky (with permission
by Kevin W. McArdle)

Lisa T. Belenky (CA Bar No. 203225)
CENTER FOR BIOLOGICAL DIVERSITY
1095 Market Street, Suite 511
San Francisco, CA 94103
Tele: (415) 436-9682, x307
lbelenky@biologicaldiversity.org

KEVIN V. RYAN
United States Attorney

JAMES A. CODA
Assistant United States Attorney

SUE ELLEN WOOLDRIDGE
Assistant Attorney General

Brendan R. Cummings (CA Bar No. 193952)
CENTER FOR BIOLOGICAL DIVERSITY
P.O. Box 549
Joshua Tree, CA 92252
Tele: (760) 366-2232
Fax: (760) 366-2369
bcummings@biologicaldiversity.org

/s/ Kevin W. McArdle
KEVIN W. McARDLE, Trial Attorney
DC Bar # 454569
United States Department of Justice
Environment & Natural Resources Division
Wildlife and Marine Resources Section
Benjamin Franklin Station, P.O. Box 7369
Washington, D.C. 20044-7369
Telephone: (202) 305-0219
Facsimile: (202) 305-0275
kevin.mcardle@usdoj.gov

Attorneys for Plaintiffs

Attorneys for Federal Defendants

/s/ Paul A. Turcke (with permission
by Kevin W. McArdle)
MOORE SMITH BUXTON & TURCKE
Attorneys at Law
225 N. 9th Street, Suite 420
Boise, Idaho 83702
Tele: (208) 331-1800
Fax: (208) 331-1202

/s/ David P. Hubbard (with permission
by Kevin W. McArdle)
DAVID P. HUBBARD, ESQ.
California Bar No. 148660
LOUNSBERRY FERGUSON ALTONA &
PEAK, LLP
960 Canterbury Place, Suite 300
Escondido, California 92025-2552
Tele: (760) 741-1201
fax: (760) 741-9926

Attorneys for Defendant-Intervenors

Attorneys for Defendant-Intervenors

Pursuant to Stipulation, **IT IS SO ORDERED.**

DATED: _____



HONORABLE SUSAN ILLSTON
UNITED STATES DISTRICT JUDGE